



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 17, 2015


The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

31 November 17, 2015


PATRICK O'RAWA
ACTING EXECUTIVE OFFICER

**ARROYO SECO WATERSHED FEASIBILITY STUDY
DELEGATE AUTHORITY TO AMEND COST-SHARING AGREEMENT
WITH THE UNITED STATES ARMY CORPS OF ENGINEERS
AND TO PROVIDE ADDITIONAL FUNDING
(SUPERVISORIAL DISTRICTS 1 AND 5)
(3 VOTES)**

SUBJECT

This action is to approve a revision to the scope of the Arroyo Seco Watershed Feasibility Study and to authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to provide up to an additional \$975,500 of in-kind services and/or cash contributions to the United States Army Corps of Engineers toward the completion of the Arroyo Seco Watershed Feasibility Study.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find that the recommended action is exempt from the California Environmental Quality Act.
2. Approve a revision to the scope of the Arroyo Seco Watershed Feasibility Study and authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to provide up to an additional \$975,500 of in-kind services and/or cash contributions from the Los Angeles County Flood Control District Fund to the United States Army Corps of Engineers to cover the Los Angeles County Flood Control District's share of the increased study cost arising from the revised scope.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On August 9, 2005, the Board authorized the Director of Public Works, as the acting Chief Engineer of the Los Angeles County Flood Control District (District) or his designee to conduct business with the United States Army Corps of Engineers (Corps) for the Arroyo Seco Watershed Feasibility Study (study). The Board also authorized the acting Chief Engineer of the District to execute a Feasibility Cost-Sharing Agreement (FCSA) and provide up to \$1,424,500 of in-kind services and/or cash contributions from the Los Angeles County Flood Control District Fund to cover the District's 50 percent share of the study's \$2,849,000 total cost.

Limited Federal funding over the course of the study led to delays in the study's original schedule. In 2012, the Corps restructured their study process, and in 2014, the study was rescoped under the Corps' new specific, measurable, attainable, risk informed, timely planning process, resulting in a new 3-year study schedule and increased total study cost. The new estimated total study cost is \$4,800,000 and the updated local cost share is \$2,400,000. An additional \$975,500 is required to cover the District's 50 percent share of the study. At the completion of the study, currently scheduled for 2017, a recommendation will be made to the United States Congress for authorization of funds for the design and construction of the selected restoration plan for the Arroyo Seco.

The purpose of the recommended actions is to approve the revised study scope and authorize the Chief Engineer of the District or her designee to contribute up to an additional \$975,500 of in-kind services and/or cash contributions to complete the study. The District's increased contribution will be memorialized in an amendment to the FCSA substantially similar to the enclosed Amendment No. 1 to the FCSA between the Corps and the District for the study.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). We are following the plan goals by developing partnerships to effectively leverage our resources and using a collaborative approach to complete the study. Also, the study may result in several projects that will provide multiple benefits for the public such as ecosystem restoration, water conservation, water quality, and passive recreation.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The District, as the lead local sponsor, will provide an additional \$975,500 of in-kind services and/or cash contributions toward the study increasing the total estimated contribution from \$1,424,500 to \$2,400,000. Sufficient funding to account for this additional contribution is included in the Los Angeles County Flood Control District Fund Fiscal Year 2015-16 Budget.

The District will budget and encumber funds on an annual basis over 2 years to match the Corps' annual funding.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In September 2002, the Corps completed a Reconnaissance Study of the Arroyo Seco Watershed and determined that there is Federal interest in conducting a cost-shared feasibility study to develop information and analytical tools to define water and related resource problems and opportunities within the Arroyo Seco Watershed. It also identified the District as the lead local sponsor for the effort.

On August 9, 2005, the Board authorized the Chief Engineer of the District to enter into a FCSA to assist the Corps in funding the study.

Technical research and analysis for the study were initiated in the summer of 2005. Limited Federal funding over the course of the study led to delays in the study's original schedule. In August 2010, the Corps completed the Feasibility Scoping Meeting Document, which presented the existing conditions within the Arroyo Seco Study Area and identified the future without project conditions.

In 2014, the Corps rescope the study to collaboratively work with the District to identify opportunities for aquatic and riparian restoration along an 11-mile stretch of the Arroyo Seco from the Angeles National Forest to 0.5 mile upstream of the confluence with the Los Angeles River. Including the costs previously incurred, the updated estimated total cost for the study was increased to \$4,800,000 and the updated local cost share was increased to \$2,400,000. At the completion of the study, currently expected in 2017, a recommendation will be made to the United States Congress for authorization of funds for the design and construction of the selected restoration plan for the Arroyo Seco.

ENVIRONMENTAL DOCUMENTATION

The proposed actions are exempt from the California Environmental Quality Act (CEQA). The FCSA provides funding to the Corps to gather data and perform analyses to complete a feasibility study and assess a possible future modification of the Arroyo Seco Watershed that is not approved, adopted, or funded. This action meets the criteria set forth in Sections 15262 and 15306 of the CEQA Guidelines and Class 6 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

Upon the Board's approval of the agreements, Public Works will file a Notice of Exemption with the County Clerk in accordance with Section 15062 of the CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no adverse impact on current services.

Approval of the recommended action will benefit the District by providing the necessary funds to complete the study. This action will not interfere with the primary mission of the District.

CONCLUSION

Please return an adopted copy of this letter to the Department of Public Works, Watershed Management Division.

The Honorable Board of Supervisors

11/17/2015

Page 4

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:ARG:sw

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office

AMENDMENT NO. 1
TO THE
AGREEMENT
BETWEEN THE DEPARTMENT OF THE ARMY
AND
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
FOR THE
ARROYO SECO WATERSHED STUDY

THIS AMENDMENT NO. 1 is entered into this _____ day of _____, _____, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Los Angeles District (hereinafter the "District Engineer"), and the Los Angeles County Flood Control District (hereinafter the "Sponsor"), represented by the Chief Engineer.

WITNESSETH, THAT:

WHEREAS, the Arroyo Seco Watershed encompasses the northwestern San Gabriel Valley and includes the cities of La Canada Flintridge, Pasadena, South Pasadena, and Los Angeles;

WHEREAS, the Government and the Sponsor entered into a Feasibility Cost Sharing Agreement (hereinafter the "Agreement") for the study of the Arroyo Seco Watershed (hereinafter the "Study") on August 15, 2005;

WHEREAS, the Study is evaluating the potential for ecosystem restoration along the Arroyo's main stem;

WHEREAS, the Study has been re-scoped in accordance with U.S. Army Corps of Engineers SMART Planning and 3x3x3 policy;

WHEREAS, the Government and Sponsor intend to document a cost increase, estimated at \$2,100,000, for tasks to finalize the feasibility study;

WHEREAS, the tasks to finalize the feasibility study include engineering, economic, plan formulation, and environmental analyses for the feasibility report and Environmental Impact Statement and Environmental Impact Report;

NOW, THEREFORE, the Government and the Sponsor agree to amend the Agreement as follows:

1. ARTICLE I – DEFINITIONS

Paragraph A is amended by adding the following after the last sentence: “The term does not include any costs of a contract for an Independent External Peer Review panel.”

2. ARTICLE III – METHOD OF PAYMENT

Paragraph A is deleted in its entirety and replaced with the following:

“A. The Government shall maintain current records of contributions provided by the parties, current projections of Study Costs, current projections of each party's share of Study Costs, and current projections of the amount of Study Costs that will result in excess Study Costs. At least quarterly, the Government shall provide the Sponsor a report setting forth this information. As of the effective date of Amendment 1 to this Agreement, Study Costs are estimated to be \$4,800,000 and the Sponsor's required share of Study Costs is estimated to be \$2,400,000. The dollar amounts set forth in this Article are based upon the Government's best estimates, which reflect the scope of the study described in the PMP, projected costs, price-level changes, and anticipated inflation. Such cost estimates are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Sponsor.”

3. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 to the Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

LOS ANGELES COUNTY FLOOD CONTROL
DISTRICT

BY: _____

BY: _____

KIRK E. GIBBS
COLONEL, US ARMY
COMMANDER AND DISTRICT ENGINEER

GAIL FARBER
CHIEF ENGINEER

DATE: _____

DATE: _____

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the principal legal officer of the Los Angeles County Flood Control District, that the Los Angeles County Flood Control District is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the Los Angeles County Flood Control District in connection with the feasibility study for the Arroyo Seco Watershed Study, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement and that the persons who have executed this Agreement on behalf of the Los Angeles County Flood Control District have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____ 20____.

SIGNATURE

TITLE